

August 1, 2019

State Attorney Jack Campbell
Leon County Courthouse
301 South Monroe Street
Tallahassee, Florida 32399-2550Atlanta
Florham Park
Hartford
Los Angeles
Miami
New York
Orlando
Tallahassee
Tampa
Washington, DC
West Palm Beach

Re: THC Testing for Cannabis

Dear State Attorney Campbell:

Our firm represents EVIO Labs Florida, Inc. ("EVIO"), a Florida-based company with two state-of-the-art testing laboratories located in Davie and Gainesville. EVIO provides laboratory testing services for the hemp and medical marijuana industries with its primary focus on consumer and patient safety. Another important aspect of EVIO's services includes education and outreach to ensure that these new cannabis-related industries are better understood by all interested parties. EVIO firmly believes that the cannabis plant has beneficial properties, and if tested properly, can be safe for public consumption. EVIO read with interest your correspondence to law enforcement partners dated July 30, 2019, regarding the capabilities of testing laboratories in this state to determine the level of tetrahydrocannabinol ("THC") in plant material or manufactured products. I write to ensure that you are fully informed as to EVIO's testing capabilities which may be of benefit to the Second Judicial Circuit as it contemplates how to proceed in the new legal landscape created by the 2018 Farm Bill and SB 1020. There are several statements in your correspondence that require addressing in the interest of public education:

- 1) No public or private lab in Florida can do dispositive testing on cannabis.

EVIO Labs can absolutely test cannabis plant materials or products and determine with precision the amount of THC in the sample. As a starting point, EVIO obtained accreditation to ISO/IEC 17025:2017 for the testing of cannabis and hemp plants as well as products derived from hemp/cannabis plants in 2018. As such, EVIO Labs was the first accredited laboratory in the state of Florida. Over the past two years, EVIO has invested \$4,000,000 in equipment and software upgrades in order to make its potency testing the very best in the country. Onsite it has some of the most advanced laboratory equipment in the country including redundant Shimadzu LCMSMS-8060's, GCMSMS-8050's, and HPLC-2030C's. Also important for Florida's law enforcement community, EVIO has invested in RFID and LIMS technology which is a chain of custody software tracking system to ensure that the lab results obtained are ultimately of use in a court of law. Seven days per week, EVIO is testing cannabis products for potency and consumer safety.

- 2) EVIO does not have a DEA license.

Your correspondence suggests that EVIO withdrew from offering testing services in Florida when it discovered that it does not have a DEA license. That statement is not accurate. EVIO has been authorized since 2016 to perform cannabis testing by the Florida Department of Health as an integral part of the medical marijuana industry in this state. Because marijuana remains illegal under federal law, the DEA does not affirmatively license cannabis testing labs according to my research. There is a

Carlton Fields, P.A.

Carlton Fields, P.A. practices law in California through Carlton Fields, LLP.

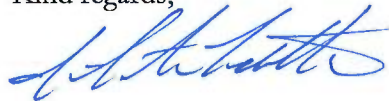
registration process whereby labs servicing the law enforcement community can seek an exemption from the Division of Drugs, Devices and Cosmetics at the Florida Department of Business and Professional Regulation which is a prerequisite for a similar DEA exemption letter. When EVIO was approached by the law enforcement community to assist in ensuring the products held by patients and consumers were identified precisely in the wake of the passage of SB 1020, EVIO started the process of obtaining those exemptions. Attached please find the exemption letter issued by the Department of Business and Professional Regulation for EVIO's cannabis testing laboratory services. We are in the process of obtaining a similar exemption letter from the DEA.

3) Field testing kits for probable cause in cannabis cases have not been validated.

EVIO Labs has performed the validation on the field test kits on display at the Department of Agriculture and Consumer Services meeting on July 8th and stands behind the results of its validation testing. Importantly, EVIO tested and validated the field test kits to help the industry and avoid confusion, not to incarcerate the public. EVIO's validation process for the field test kits included the evaluation of selectivity, sensitivity, precision, and reproducibility of two batches of the kits. EVIO's scientists hold sufficient credentials to withstand scrutiny under the Daubert standard as its Lab Director (Mr. Jorge Segredo) and its Compliance Officer (Mr. Albert Ellis) each have more than 30 years of analytical laboratory experience. Mr. Ellis performed the validation testing personally for the field test kits. The field test kits observed on July 8th represent cutting-edge technology that is backed by validation and expert testimony from one of the country's leading cannabis testing laboratories.

In conclusion, EVIO stands ready, willing, and able to assist the law enforcement community to avoid confusion in these new industries. Working together, EVIO believes we can help these new industries succeed while also ensuring that the letter of the law is met. EVIO's testing capabilities can determine quickly whether a product is marijuana or hemp by determining with precision the concentration of THC and CBD. EVIO has evaluated the measurement of uncertainty (accuracy) of its testing procedures using historical data and EVIO has exhibited uncertainty values of less than 10%. As demonstrative evidence of the accuracy of EVIO's testing procedures, I have also enclosed a copy of EVIO's performance testing results. As reflected on the results, the accuracy of EVIO's testing procedure is within a thousandth of a percentage point of the true amount of THC in the sample, not a tenth of a point as required by the new statute. Backed by expert testimony if needed in a court of law, EVIO's testing services are second to none in this state and quite possibly the country. If you would like to have further discussion about how EVIO may be able to assist the Second Judicial Circuit, please give me a call.

Kind regards,



Jennifer A. Tschetter

Encl.

cc: Chris Martinez, President, EVIO (cmartinez@EVIOlabsfl.com)
James Horvath, CEO, EVIO (jhorvath@EVIOlabsfl.com)

This proficiency test is in ug/ml or parts per million. Total THC at 0.3% is 3000ppm. At 0.0462% Total THC, EVIO Labs responded within 7% of the expected value.

Emerald Test Spring 2019			Sponsored by Emerald Scientific			PT Evaluation Report		Page 1 of 2	
EVIO Labs			Account # 5736			Invoice# 179190			
Chris Martinez 786-638-3088						Study # S2019		Open Date 04/18/2019	
4131 Sw 47th Ave Suite 1408						Study Type Emerald		Close Date 05/03/2019	
Davie FL 33314									
Component	Method Code	Method Description	</>	Reported Value	Assigned Value	Acceptance Limits Low	Acceptance Limits High	Performance Evaluation	Analysis Date
Part# S8297 Lot# S2019 Total THC Performance Test				Evaluation +/- 20% Assigned Value		Units ug/mL			
(-)-Delta9-THC	8579	LC-UV-Vis		207.74	221	177	265	ACCEPT.	05/01/2019
Cannabidiol	8579	LC-UV-Vis		580.78	596	477	715	ACCEPT.	05/01/2019
Cannabidiolic acid (CBDA)	8579	LC-UV-Vis		22.59	23.4	18.7	28.1	ACCEPT.	05/01/2019
(-)-trans-Delta9-THC acid A	8579	LC-UV-Vis		256.05	247	194	290	ACCEPT.	05/01/2019
Cannabinol	8579	LC-UV-Vis		98.21	100	80	120	ACCEPT.	05/01/2019
Total (-)-Delta9-THC	8579	LC-UV-Vis		432.30	462	370	554	ACCEPT.	05/01/2019
Cannabigerol	8579	LC-UV-Vis		27.70	26.3	21	31.6	ACCEPT.	05/01/2019

Halsey Beshears, Secretary

Ron DeSantis, Governor

August 1, 2019

Vivian Iglasias
Kaycha Holdings LLC d/b/a EVIO Labs
4131 SW 47th Ave., Suite 1408
Davie, FL 33314

Dear Ms. Iglasias:

Pursuant to s. 499.03(4), Florida Statutes (F.S.) and Rule 61N-1.011(4), Florida Administrative Code, the department may accept correspondence from qualified individuals who use prescription drugs for lawful teaching, research, or testing. As the designated state agency for the administration and enforcement of ss. 499.001 – 499.081, F.S., the department has the authority to assign exemption letters authorizing such individuals to obtain and possess the requisite legend drug(s) for this purpose. This letter serves as authorization for ***Vivian Iglasias with Kaycha Holdings LLC d/b/a EVIO Labs located at 4131 SW 47th Ave., Suite 1408, Davie, FL 33314*** to possess the following prescription drugs for research, teaching or testing purposes:

Schedule I controlled substances have a high potential for abuse and have no currently accepted medical use in the United States. Therefore, Schedule I controlled substances are not recognized as prescription drugs. Pursuant to s. 499.03(4), F.S., the department does not issue exemptions for the purchase and possession of products other than prescription drugs. However, the department recognizes that you intend to obtain and possess the following Schedule I controlled substances for testing purposes pursuant to SB1020.

1. Marijuana; Tetrahydrocannabinol (THC)

Your authorization number to possess these prescription drugs is **80 3537**. This authorization **expires on August 31, 2021**. You will need to submit another letter requesting renewal of this exemption within 60 days of the expiration date, so that we can reevaluate the situation at that time and extend the authorization if appropriate.

Please be aware that this exemption number does not grant you the authority to purchase and possess controlled substances without a valid DEA number.

There are conditions and responsibilities associated with this authorization since these are Controlled Substances. Noncompliance with any of these conditions may be grounds for disciplinary action under Chapter 499, Florida Statutes, including, but not limited to, revocation of this authorization. The conditions and responsibilities include:

Halsey Beshears, Secretary

Ron DeSantis, Governor

1. These drugs cannot be resold, traded, or distributed under any circumstance and may only be used at the above address in accordance with your correspondence requesting this authorization to possess prescription drugs.
2. You must comply with all security, storage, and record keeping requirements for prescription drugs required by the Florida Drug and Cosmetic Act, Chapter 499, F.S., and Florida Administrative Code Rule 61N-1, Regulation for Drugs, Devices, and Cosmetics. You may view the laws and rules online at <http://www.myfloridalicense.com/dbpr/ddc/index.html>; and
3. You will be subject to periodic inspections by drug agents of the department in accordance with s. 499.051, F.S., and the rules adopted thereunder.

If you have any questions, please contact Stephanie Prine at 850.717.1806 or via email at Stephanie.Prine@myfloridalicense.com.

Sincerely,



Walter Copeland
Executive Director

CC: Jennifer Tschetter, Attorney for Evio Labs
jennifert@carltonfields.com